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Transnistria: Prospects for a Solution

By Cristian Urse



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Transnistria

Prospects for a Solution

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The opinions expressed in this paper are the author's own views and do not involve in any way the Ministry of Foreign Affairs of Romania.

Since 1992, there has been an ongoing debate regarding the situation in Transnistria. After the conclusion of the agreement that ended the armed conflict, Chişinău and Tiraspol made efforts to find a political solution, under the supervision of a negotiation mechanism that included, until recently, Russia, Ukraine and OSCE. Russia's last plan to that end was rejected by the Moldovan leadership. This triggered a set of political and economic punishments by Moscow. The political context of the last two years has given a new impetus to the negotiations on the resolution of the Transnistrian conflict. The changes in Georgia and Ukraine and the resuscitation of GUAM have significantly influenced the premises for a settlement, while the US and the EU have become observers in the negotiation mechanism.

In spite of these evolutions (or maybe as a result of them), the prospects to reach a solution in the short term are slim, as the present negotiating mechanism continues to lose importance. This paper argues that the decisions of the actors involved have affected negatively the evolution of this mechanism, and that the parties appear to continue undertaking unilateral steps that they perceive might improve their position in the future or might defend the actual status-quo.

The Conflict in Transnistria

Some scholars have tried to explain the war in Transnistria as an ethnic conflict. Without understating this dimension of the conflict, a closer look to the ethnic realities is necessary. In 1989 Moldovans formed approximately 65% of the country's population. Ukrainians ranked second with approximately 14%, and Russians third with 13%. In Transnistria, Moldovans were still a relative majority (40%), while Ukrainians formed 28%, and Russians 26%.¹ However, the minorities used Russian to communicate. Therefore the claim that the language law of August 1989 provoked concerns among the Russian-speakers is true to a certain extent. This legislative package decided that the state language be Moldovan, as well as that a return to the Latin alphabet would take place. It also stated that language proficiency would be required of all citizens by January 1, 1994 (although guaranteeing the use of Russian and Gagauz at the local level).² Nevertheless, unlike in the Baltic States, the requirement for proficiency in the state language was never enforced in Moldova.

Other factors appeared to have contributed more to the breakout of the conflict. In Transnistria, the Moldovan national agenda clashed rather with the ideological soviet conceptions and the economic interests of the local leaders. Most of the Moldovan industry was built in Transnistria and therefore it was profitable for its leaders to attempt secession in order to preserve full control of the economic assets.

Since the end of World War II, Transnistria has always been seen as a source of reliable cadres for the Moldovan Communist Party. Immediately after 1945, Transnistrian communists were considered more loyal to the USSR than their colleagues from the recently integrated province of Bessarabia. Therefore, in the first decades after World War II, the party leaders in Chişinău usually came from Tiraspol.

This situation began to change after the establishment of Chişinău State University and other, local, cultural institutions, as the capital of the new republic was asserting its central political

¹ Charles King, *The Moldovans. Romania, Russia, and the Politics of Culture*, Hoover Institution Press, Stanford, 2000, pp. 97-185.

² Erika Dailey, *Human Rights in Moldova: The Turbulent Dniester*, Human Rights Watch, 1993.

role. Also, the policy of indigenizing the Communist Party from Moldova, started during the 1960s, ensured Bessarabians' accession to the party and state hierarchy, which reversed the traditional situation of the Stalinist period.³ By 1989, the Moldovan leaders were often from Bessarabia, and were the key players in promoting perestroika and the national awakening movement that emerged at this time. Tiraspol was still an important economic center of the republic, but its leaders feared they would lose their positions as an effect of the reformist movement. Thus, trying to preserve their traditional positions, Transnistrian leaders found themselves fighting perestroika and, later on, the nationalist movement.

After the adoption of the language laws in Moldova, groups of workers from the left bank of the Dniester went on strike to express their concern with the would-be required proficiency in the state language. In June 1990 the Supreme Soviet of Moldova adopted a declaration on sovereignty. In September, the reaction of Transnistrians was to proclaim the Dniester Moldovan Autonomous Republic (RMN). The Supreme Soviet declared this act void and null, but could not enforce this on the ground. While following its way to independence, Chişinău was losing control over Transnistria.

In the days of the August 1991 coup, Mircea Snegur (the first Moldovan president) and the Moldovan leadership sided with Gorbachev and condemned the plotters. On the opposite side, the Transnistrian leadership hailed the putsch stated that the Soviet Union must be saved and promised troops to the plotters. Once the coup failed, Transnistrians rushed to set up their self-proclaimed state.

In December 1991, the first serious clashes between the paramilitary detachments of the RMN and the Moldovan police broke out in Dubăsari (Transnistria), over control of governmental buildings. Reportedly the Transnistrian forces used weapons from the deposits of the 14th Army. In March, 1992, hostilities occurred again in Dubăsari, extending then to other localities. In response, Moldovan president Snegur declared the state of emergency throughout the country.

The Soviet 14th Army was a key factor in the conflict. The Moldovan president tried to secure control over it and issued a decree that transferred all the former Soviet military troops and equipment to the emerging Moldovan defense forces. The decree remained a simple piece of paper, as the 14th Army did not obey it. On April 1st president Yeltsin officially transfer the 14th Army to the Russian Federation command.⁴ In May the 14th Army launched attacks against the Moldovan forces, driving them out of some villages from the left bank of the Dniester. The bloodiest fight occurred in June, when the 14th Army again intervened (this time officially) in favor of separatists who were losing the city of Tighina (Bender), driving out the Moldovan forces.⁵ On July 21, a Peace Accord was signed by presidents Yeltsin and Snegur, providing the establishment of peacekeeping forces comprising Russian, Moldovan and RMN troops, under the supervision of a Joint Control Commission.

³ Charles King, *The Moldovans. Romania, Russia, and the Politics of Culture*, Hoover Institution Press, Stanford, 2000, p. 135.

⁴ Mihai Gribincea, *The Russian Policy on Military Bases: Georgia and Moldova*, Oradea, 2001, p. 157.

⁵ Erika Dailey, *Human Rights in Moldova: The Turbulent Dniester*, Human Rights Watch, 1993, p. 16.

Attempts to Negotiate

Beginning April 1992, talks between the representatives of Russia, Ukraine, Romania and Moldova led to the creation of a quadripartite mechanism for settling the conflict. A cease-fire agreement mediated by the four parties was signed, while the Russian ambassador to Moldova praised the contribution of Romania and Ukraine to the settlement of the conflict. A meeting of the four presidents (of Russia, Ukraine, Romania and Moldova) held in Istanbul in June 1992, which established the creation of security zones and corridors. The status of the 14th Army was to be determined in future Russian-Moldovan consultations. The Russian-Moldovan agreement of August 1992 practically put an end to the quadripartite mechanism, leaving Romania outside the process of negotiation, as Russia no longer considered it needed to consult Bucharest or Kiev. Arguably, this was a big mistake on part of the Moldovan leadership.

On October 21, 1994, Moldova and Russia signed an Agreement regarding the withdrawal of Russian troops within three years. The document was criticized by Moldovan experts and former members of the negotiating commission for two reasons: it stipulated the principle of synchronization of the withdrawal with granting autonomous status to Transnistria, and it was ambiguous with respect to the date of entering into force. In fact, Russia could interpret that the agreement would become effective only after Transnistria's autonomy was legally secured.⁶ Moldova ratified the agreement immediately and expected Russia to do the same and proceed with withdrawal by 1997. By 1996, however, Moscow did not ratify the agreement, and stated that the status of Transnistria should take precedence over its military commitments. The agreement became thus obsolete.

Ukraine was later included in a new format of discussions, with Russia's blessing, in an attempt to give negotiations on Transnistria an international face. Thus, in 1997, Chişinău and Tiraspol signed a Memorandum intended at normalizing their relations, with Russia, Ukraine and OSCE as guarantors of the subsequent negotiating process. Three years later, in 2000, president Putin established a state commission presided by former foreign minister Yevghenii Primakov, which was tasked to elaborate a plan for the settlement of the Transnistrian matter. During the same year, the commission presented a document that advanced the idea of a "common state" of Moldova and Transnistria, within the recognized borders of the Republic of Moldova, based on a special treaty guaranteed by Moscow and Kiev. As the proposal favored Tiraspol and even advanced the idea of Transnistria's right to secede from Moldova under certain circumstances, it was silently pushed aside by Chişinău, whose interests were in serious jeopardy.

The lack of progress after almost 10 years could be explained by several factors. Moldova made important mistakes: in 1992 terminating the consultation mechanism including Romania and the Ukraine, and the conclusion of an unclear agreement in 1994. Meanwhile, the speed of negotiations depended on the evolution of relations between the government in Chişinău and Moscow. Good relations with Russia were usually accompanied by slow progress of the negotiations on Transnistria. Russia, for its part, was content in maintaining the status-quo, allowing her to have full control in Transnistria and important leverage to use from time to time to pressure Chişinău.

⁶ Mihai Gribincea, *The Russian Policy on Military Bases: Georgia and Moldova*, Oradea, 2001, pp. 181-192.

The Kozak Memorandum

In 2001, as a result of early elections, the Party of Moldovan Communists came into power, taking advantage of a negative vote that sanctioned the lack of success of the reformist alliance that formed the previous government. The Party of Communists (PC) became the largest party in the Moldovan parliament by 1998, with the other 3 parties isolating it in an attempt to give the country a pro-European direction.

Nevertheless, the PC won the 2001 elections on a pro-Russian platform. Among other things, the communists favored Moldova's membership in the Russia-Belarus Union, a project that did not materialize. However, close relations with Russia and an anti-Western rhetoric dominated their political discourse. According to the new provisions of the Constitution, the president of the republic was elected by the parliament. With 71 seats (out of 101), the PC did not have any problem in electing its leader, Vladimir Voronin, as the country's president.

With respect to Transnistria, Voronin and the Party of Communists seemed convinced that they would be able to bring it under Chişinău's control. As early as 2001, the discussions with the Transnistrian leadership appeared to be fruitful. As a promising result, one of the political prisoners held in Tiraspol⁷, Ilie Ilascu, was freed. The leadership in Chişinău believed that its close relation with Moscow would ensure a smooth resolution of the conflict, with Voronin emerging as a strong and successful leader able to reunite the country. However, these expectations were not met.

In 2002, representatives of Russia, Ukraine and the OSCE submitted a draft for an agreement between Chişinău and Tiraspol. The document proposed the federalization of the country, within which territorial entities were supposed to retain power over a wide range of issues. The first such entity thought of was Transnistria, but there were speculations that the autonomous status of Gagauzia would also be redrafted in accord with this new agreement that was supposed to turn Moldova into a federation. A Joint Constitutional Commission bringing together representatives of Chişinău and Tiraspol was created in early 2003. Meanwhile, a new Minister of Reintegration was supposed to become Chişinău's tool for the peaceful reunification of the country. President Voronin's stated goal was to hold elections throughout the entire republic (including Transnistria), in a hope for a peaceful and legitimate takeover of the left bank of Dniester.

By mid-2003, however, negotiations stalled once again. Faithful to its relationship with Russia, president Voronin entered direct negotiations with Moscow, leaving Ukraine and OSCE aside. Russian deputy head of the presidential administration, Dmitri Kozak, was entrusted by president Putin with the task of reaching a compromise between Chişinău and Tiraspol on constitutional matters.

Kozak's shuttle diplomacy was able to produce a document by October 2003, detailing the principles of a federal structure that advantaged Tiraspol. Thus, Moldova was to become an asymmetric "federation" with only one unit clearly defined – Transnistria. The remaining part of the country was referred to in the document as "the federal territory," while Gagauzia was supposed to be represented in the newly established upper house of the parliament, with an option to elevate its status within the future federation. The way the upper house of the

⁷ As of 1992, four Moldovan citizens who fought on Chişinău's side during the war were held prisoners in Tiraspol, after a Soviet-style "trial". Two of them are still imprisoned. In 2004, the European Court of Human Rights condemned Russia for their illegal imprisonment and asked for their immediate release.

parliament was supposed to take decisions on important matters (such as organic laws) gave Transnistria a *de facto* veto, as a three fourths majority was required for such a decision.⁸

After the document was apparently agreed with Chişinău and Tiraspol, Russia presented it to the OSCE and Ukraine, the other guarantors of the negotiation process. Aware of the undergoing Russian-Moldovan negotiations, the OSCE tried to get involved during 2003, but Russia constantly refused to give it a role. In accord with its Istanbul commitments, Russia was supposed to withdraw its troops and ammunition from Moldova at the end of 2002, during the Portuguese chairmanship of the organization. A one year extension granted by the ministerial conference held in Lisbon brought that term to December 2003. Therefore, the situation was of particular importance for the Dutch chairmanship of the organization at the time. Feeling left aside, the chairmanship was more than reluctant with regard to the document that Russia presented. Moreover, the United States clearly signaled that it would not favor the agreement.⁹

On the other hand, the public opinion of Moldova exerted an important pressure on the country's leadership in order to block the conclusion of the document. The Kozak Memorandum was seen as an inadmissible concession made by the communist government to Russia and a way of holding Moldova hostage to Russian interests for years to come. The document came at the end of a year during which the opposition had been rallying in the streets for many weeks, opposing the government's policy on language matters. 2003 was the year when the communist government tried to elevate the status of the Russian language (making it almost a second official language of the country), while questioning the use of Romanian history and language study books in schools. The Kozak Memorandum thus became an excellent opportunity for the opposition to stage another round of public demonstrations, making the situation even more difficult for the government.¹⁰

Last, but not least, it appeared that the final form of the document contained elements that made president Voronin and his government unhappy.¹¹ The initial Memorandum contained no reference to the situation of the Russian troops in Transnistria. However, at Tiraspol's request, Russia conceded to offer guarantees that its troops will remain in the region for another 20 years.¹² At this point, although after he initialed the document, Voronin realized that his main objective, that of bringing Transnistria under his control (subsequently emerging as a hero for his electorate), would never be achieved. A continued presence of the Russian troops eliminated the prospects for a peaceful change of the political elite in Tiraspol, which was actually obtaining a role in the decision making process in Chişinău. The entire Moldova would have become, in fact, a hostage of Tiraspol and Moscow.

Short of a clear political gain and of the support of the international community, and with public opinion opposing the document, president Voronin decided not to sign it and canceled the ceremony that was to be attended by the Russian president Vladimir Putin in Chişinău on

⁸ Steven Roper, *Federalization and Constitution-making as an Instrument of Conflict Resolution*, Demokratizatsiya, Volume 12, Issue 4, Fall 2004.

⁹ John Löwenhardt, *The OSCE, Moldova and Russian Diplomacy in 2003*, Journal of Communist Studies & Transition Politics, Volume 20, Issue 4, December 2004.

¹⁰ RFE/RL, November 25, 2003.

¹¹ The Moldovan side asserted that the last form of the document presented for signature was not the one agreed previously, while Russia dismissed such an accusation. *Local Conflicts: "Moscow's Hand" got no Support from Russia*, Defense & Security, December 7, 2005.

¹² John Löwenhardt, *The OSCE, Moldova and Russian Diplomacy in 2003*, Journal of Communist Studies & Transition Politics, Volume 20, Issue 4, December 2004.

November 25, 2003. Russia's reaction was harsh and marked a clear breakdown of its relationship with the government in Chişinău. On its part, Tiraspol was given the chance to claim that Voronin could not be trusted.

The Kozak Memorandum episode was a bitter failure for Russian diplomacy. Instead of putting pressure on Moldova, the entire construction brought Moscow into the position of having to ask for the OSCE's support after months of rejecting any serious dialogue with the Dutch chairmanship on Transnistria. As the December ministerial conference was just days away, Moscow had to face the criticism of the West for failing to abide by the terms that she agreed upon one year earlier, when the extension for the withdrawal of the Russian troops from Moldova had been granted. The Russian political attack on Voronin, which followed, was the logical consequence of the outcome of the negotiations.

Moldova's Present Position

The events that followed deepened the alienation of the Moldovan leadership from its former Russian friends. The OSCE ministerial conference of 2003 was the first to fail at reaching a common position on the matter of Russian troops in Transnistria,¹³ with Russia trying to ignore its 1999 Istanbul commitments. The final declaration of the NATO Summit held in Istanbul in 2004 expressed the Allies' regret with regard to Russia's inability to comply with the terms of withdrawing its troops from Transnistria.¹⁴ Most importantly, in a July 2004 decision, the European Court of Human Rights stated that Russia contributed decisively to the establishment of the regime in Transnistria, was responsible for the fate of the political prisoners illegally held in Tiraspol by the separatists, and should to pay damages and undertake the necessary steps for their release.¹⁵ Finally, Moldova itself was under the close monitoring of the Council of Europe for its record in the field of human rights and democratization.¹⁶

Because of this particular international political context, as well as a severe deterioration of his relations with Moscow, president Voronin was determined to execute an interesting political twist in 2004. With no hope in a peace with Moscow, he and his party took a pro-European stance in the wake of the general elections due in March 2005. The change of government in Romania gave him the opportunity to improve relations with Bucharest, which had previously deteriorated. The outcome of the Ukrainian Orange Revolution also contributed to this option. The communist party comfortably won the elections, gaining the population's approval not only for its pro-European platform, but also for a firmer approach towards Moscow.

¹³ Same happened in 2004 and 2005.

¹⁴ *NATO Istanbul Summit Communiqué* (<http://www.nato.int/docu/pr/2004/p04-096e.htm>).

¹⁵ *The Case of Ilascu and Others vs. Republic of Moldova and the Russian Federation* (www.coe.int). In the words of the European Court of Human Rights, "the authorities of the Russian Federation contributed both militarily and politically to the creation of a separatist regime in the region of Transdniestria, which is part of the territory of the Republic of Moldova" and "even after the ceasefire agreement of 21 July 1992 the Russian Federation continued to provide military, political and economic support to the separatist regime [...], thus enabling it to survive by strengthening itself and by acquiring a certain amount of autonomy *vis-à-vis* Moldova."

¹⁶ Since its foreign policy change, Moldova is considered to be more active in taking into account the Council of Europe's recommendations, an overall improvement of its human rights record being assessed.

The 2+3 negotiations on Transnistria,¹⁷ which took place on a monthly basis as of April 2004, kept Moldova in an uncomfortable position. As many analysts argued,¹⁸ there was usually a 4 against 1 format of debate, with Ukraine and the OSCE mission in Chişinău siding invariably with Moscow and Tiraspol. Constantly isolated in the debates, it was difficult for Chişinău to convince the international community of the correctness of its position. This began to change in early 2005, when Kiev also chose a pro-European direction that led the government to pay attention to the Western approach towards Transnistria.

The Ukrainian Orange Revolution was a significant factor for Moldova's approach to the Transnistrian matter. First, it changed the balance within the negotiation mechanism. Seeking a closer relation with the EU and NATO, Ukraine began nuanced alterations to its position with regard to the conflict, no longer agreeing with all Russian proposals. As an example, under the aegis of the EU, Ukraine concluded a border agreement with Moldova in late 2005, aimed at eliminating the illegal traffic that went through the Transnistrian sector of the Ukrainian-Moldovan border.

Second, and more importantly, changes in Kiev caused Moldova to re-evaluate its entire foreign policy. As the events in Ukraine came one year after the Georgian Revolution, the March 2005 Moldovan elections were seen by many in the West as an opportunity for "the next colored revolution" in the former Soviet area. Although it is not clear what popular support such a revolution would have had, Moldovan opposition parties borrowed political symbols and slogans from their neighbors; thus, during the electoral campaign, the Christian Democratic Popular Party adopted the orange color and used a poster in which its leader and the Ukrainian President Yushchenko appeared together. Improving relations with Moscow was no option for Voronin and the Communist Party. Even worse, certain Russian political circles signaled that they would support a centrist coalition in the Moldovan elections. Thus, the government in Chişinău picked the only viable option for its electoral platform, that of the European integration project. The Communist Party retained an absolute majority of parliament seats (54 out of 101) and reached an agreement with an opposition party that secured another term for president Voronin.

The most important political outcome of the March 2005 elections was a solid pro-European stance of all political parties represented in the parliament. In 2001, the communists opposed the pro-European discourse of the opposition and even debated a potential membership of Moldova into the Russia-Belarus State Union. By 2005 the European project was embraced by all significant parties that entered the electoral race.

With regard to Transnistria, this offered the premise for a more active policy. Following a settlement plan presented by the president of Ukraine, Viktor Yushchenko, in May 2005, the new Moldovan parliament adopted, with a large majority, on June 10, three documents regarding the future status of Transnistria. The documents spoke about the necessity of decriminalizing, demilitarizing and democratizing the Transnistrian area of Moldova, while at the same time granting it a large degree of autonomy. The Parliament move did not have immediate practical consequences, as Transnistrian leaders did not renounce their own agenda with regard to the presence of Russian troops in the area. However, it had a strong symbolic impact, as Moldova was no longer in a defensive position on the Transnistrian matter on the international stage. On the contrary, Tiraspol (and Moscow) had to react to Moldova's proposals. As expected,

¹⁷ Chişinău and Tiraspol, Plus Russia, Ukraine and OSCE as Mediators.

¹⁸ Vladimir Socor, *Unedifying Debut to 5+2 Negotiations on Moldova*, Eurasia Daily Monitor, Nov 1, 2005.

Transnistria repeatedly stated its opposition to what it perceived to be an “asymmetric federation,”¹⁹ claiming equal status with Chişinău within a future political arrangement, maintaining also a different view with respect to long-term presence of the Russian troops.

By the end of 2005, Moldova signaled that she considered the negotiating format²⁰ obsolete and, short of its reformation, would renounce it. As a result, Tiraspol and Moscow agreed to have US and EU as observers in the negotiating format. Rather than improving the debates, the new equilibrium strengthened Moldova’s capacity to disagree with Moscow and Tiraspol and further undermined the prospects for reaching a solution within this framework.

Another result of Ukraine’s change of orientation was the reactivation of GUAM. As Moldova, Georgia and Azerbaijan had to deal with Russian-supported territorial separatism; GUAM became an appropriate framework to address these concerns, increasing international pressure on Russia. On May 23, 2006, the GUAM Summit in Kiev decided to institutionalize the organization, renamed *The Organization for Democracy and Economic Development – GUAM*, and established its secretariat in Kiev. The Summit Declaration condemned the occupation of a country’s territory by military force, stating that “territorial annexations and the creation of enclaves can never become legal,” a clear reference to the frozen conflicts in Moldova, Georgia and Azerbaijan. In their individual declarations, the presidents of Moldova and Azerbaijan were even more explicitly pointing to the secessionist movements in their territories, calling for better coordination among GUAM members in international organizations with regards to these conflicts.²¹

In November 2005, Moldova and Ukraine concluded an agreement regarding the Transnistrian side of their border. The agreement, backed by Brussels, provided for a joint, strict, control of the Ukrainian part of the border, with the participation of an EU Border Assistance Mission. With a two-year mandate (extendable) and an 8 million Euro budget, the mission consists of 69 experts seconded by EU countries and around 50 local support staff. It has its headquarters in Odessa and 5 other field offices along the Moldovan-Ukrainian border.²² The action is supposed to curb the illicit traffic that allowed the survival of the separatist regime in Tiraspol.²³ As part of its commitment, Moldova facilitated the registration of Transnistrian firms with the authorities in Chişinău, renouncing its rights to tax these businesses. Thus, Moldova exerts symbolic control over these firms, making them legitimate and allowing them to trade abroad.

Since April 2005, Moldova had to face another problem. The Russian authorities banned imports of meat products, fruits and vegetables, a decision seen by many analysts as pressure exerted by Moscow in order to punish Chişinău for its conduct in foreign policy. This decision was extended in 2006 to include Moldovan wine,²⁴ which, together with the other agricultural products, was a traditional commodity present on the Russian market. Far from generating compliance, this measure sharpened Chişinău’s discourse. President Voronin stated that Russian economic sanctions against his country were “the price for independence, sovereignty and

¹⁹ *Transdnistria against Asymmetric Federation with Moldova*, Itar-Tass Weekly News, July 19, 2005.

²⁰ Chişinău, Tiraspol Plus Russia, Ukraine and the OSCE.

²¹ Interfax, May 23, 2006.

²² *Background Information on EU Border Assistance Mission to Moldova and Ukraine* (http://www.consilium.europa.eu/uedocs/cmsUpload/051129Ukraine_back_separate.pdf).

²³ Vladimir Socor, *Moscow against International Legal Order in Transnistria*, Eurasia Daily Monitor, March 9, 2006.

²⁴ A similar measure targeted the export of Georgian wine to the Russian market.

territorial integrity” that the people will continue to pay.²⁵ Although painful for the moment, in the long run this type of measures will determine Moldova (and Georgia) to find other markets for their exports, further reducing dependence on Russia.

Georgia has already signaled that it might block Russia’s accession to WTO if the ban of Georgian exports continues, and Moldova could follow suite. Russia’s ban is seen as unilateral sanctions against two WTO members, an act that is not in line with the organization’s rules. While it is not clear yet how heavy Georgia and Moldova’s opposition might weigh against Russia’s bid for WTO, this is one more political problem for Moscow.

It is also worth mentioning that Moldova soon could undertake another step that would make the situation more difficult for Moscow. In October 2005, the Georgian parliament required the government to assess the overall activity of the Russian peacekeeping troops in South Ossetia and Abkhazia. In July 2006, the parliament adopted a decision to evacuate the Russian peacekeepers from the two separatist regions, appreciating that their influence in the region is considered very negative. The presence of the Russian peacekeepers in Transnistria is based on the Russian-Moldovan agreement that ended the armed conflict in July 1992.²⁶ While the resolutions adopted by the Moldovan parliament in June and July 2005 asked for the withdrawal of the Russian troops (in line with the Istanbul commitments), the government in Chişinău has been reluctant with respect to denouncing the 1992 agreement, in order to avoid a unilateral step that might have been criticized by the international community. However, this option remains viable especially after the decision of the Georgian parliament. The termination of the agreement would make the presence of the Russian troops on the territory of Moldova illegal, forcing Russia to take into consideration the idea of an international peacekeeping force (eventually under a UN mandate). Talks were held on May 24, 2006, in Brussels, in a 3+2 framework (Russia, Ukraine, OSCE as mediators and the US and EU as observers), on the idea of transforming the present peacekeeping operation in Moldova into an international one.²⁷ The simple fact that Russia accepted to discuss the matter speaks for itself.

Moldova’s active foreign policy during the last year and a half marked a substantial difference from the previous period. Chişinău has acted independently from the constraints of the negotiations format. First, the Moldovan parliament adopted a package of resolutions and laws that addressed the problem of the status of Transnistria. Second, Moldova threatened with refusing to take part in the negotiations format, short of a reform of its composition (determining the invitation of EU and US as observers). Third, Moldova took advantage of the new political context in the Ukraine, increasing its bilateral cooperation with Kiev. Moldova was thus able to secure the implementation of the border agreement with Ukraine, denounced as an “economic blockade” by Moscow and Tiraspol, which determined that the latter should step out of negotiations. In sum, Moldova proved it was prepared to act independently from the existing negotiating mechanism, a framework that until recently allowed Russia to pressure and inhibit initiatives from Chişinău.

²⁵ *Rusia la zi* News Agency, June 23, 2006.

²⁶ Vladimir Socor, *Moldova can follow Georgia’s Example on Russian “Peacekeeping” Troops*, Eurasia Daily Monitor, May 15, 2006.

²⁷ Vladimir Socor, *Proposal on the Table to Transform Russian “Peacekeeping” in Moldova*, Eurasia Daily Monitor, May 30, 2006.

Status-quo - Russia's Deep Wish

After the failure of the Kozak Memorandum, Russia tried to discredit Moldova in the eyes of the international community. Russian officials declared that the leaders in Chişinău could not be trusted, as they changed their mind in the last moment with respect to the document. This line of argumentation continued throughout 2004, when an OSCE proposal redrafted the main ideas of the Russian plan for the settlement of the conflict. As 2+3 negotiations took place on a monthly basis as of April 2004, Moldova was often under the pressure of the other four actors (Tiraspol, Moscow, Ukraine and the OSCE mission in Chişinău). However, the OSCE's new plan came on the table in a time of mounting political tension between Chişinău and Moscow, the former being very reluctant to agree on anything after the experience of the Kozak Memorandum.

As the March 2005 elections did not bring a significant political change in Moldova, Russia proceeded with economic sanctions against Chişinău. Although it claimed internal regulations that the Moldovan (and Georgian) products did not comply with, Russia had little success convincing the international opinion that the measures were anything other than economic retaliation against the political attitude of the two countries. Russia claimed that Moldovan and Georgian wines, brandies and mineral water had high level of pesticides and heavy metals. On the other side, Moldovan officials stated that no laboratory evidence was presented by Russia in support of its decision, while the country continued to export wine on other markets, equally interested in consumer safety.²⁸

Moscow's last signals with respect to Transnistria and the two Georgian frozen conflicts tried to draw a parallel between them and the status of Kosovo. As international negotiations on Kosovo's final status began in early 2006, Russian officials (including president Putin) stated that Kosovo should be regarded as a precedent for settling the post-Soviet frozen conflict. Thus, Tiraspol's announcement that it would hold a referendum on independence in September 2006 was encouraged by Moscow. Konstantin Kosachev, president of the Russian Duma's Committee for Foreign Relations, declared that a transparent referendum should be taken into consideration by the international community, as a legitimate expression of the will of people of Transnistria.²⁹ While the leadership of Transnistria undoubtedly supported such an approach, it is not clear at all that Russia would go as far as recognizing Transnistria's independence.³⁰ There are several reasons for this.

First, Russia has continuously stressed its support for Serbia's territorial integrity, for example, at the last OSCE ministerial conference, in December 2005. It would be rather unusual for Moscow to renounce this position just for the sake of pushing for an extreme (and risky) solution for the frozen conflicts. Furthermore, while an arrangement that would recognize Kosovo's independence in the long run is plausible and will happen only with the agreement of the UN Security Council. It is not clear who would follow a would-be (but unlikely) unilateral recognition of Transnistria's independence by Moscow. Moscow would have to convince the international community of similarities that do not exist between Kosovo and Transnistria. The Kosovo conflict was defined by ethnic and religious factors, while the Transnistrian conflict was generated by elite conservation efforts and geopolitical interests. The political authority in

²⁸ Economist Intelligence Unit, *Country Report Moldova*, May 2006 (www.eiu.com).

²⁹ ZIUA, July 18, 2006 (www.ziua.ro).

³⁰ Vladimir Socor, *Moscow on Kosovo: Having its Cake and Eating it, too*, Eurasia Daily Monitor, February 6, 2006.

Kosovo is exercised by the international community under a UN mandate, while Russia alone guarantees an illegitimate authority in Transnistria.

Second, Russia would be worse off if it recognized Transnistria's independence. On the one hand, Moscow would face international criticism, adding one more problem to the basket of issues constantly debated with the West. OSCE's Chairman in Office, Belgian foreign minister Karel de Gucht strongly criticized the idea of a referendum in Transnistria, calling upon Tiraspol to cancel the initiative and to rejoin the negotiations mechanism, making clear that the OSCE has no intention to observe or support the organization of a referendum that questions Moldova's territorial integrity.³¹ On the other hand, in the long run, an independent Transnistria (squeezed between Ukraine and Moldova) might become less responsive to Moscow's wishes. Keeping the elite of Tiraspol completely dependent on Moscow seems the best strategy that Russia has so far.

Third, such an extreme stance would definitively alienate Moldova from Russia for years to come. At present, Moldovan politicians stress from time to time the need to maintain good relations with Russia. Some do so just for the sake of rhetoric; others seek some kind of electoral payoff. However, if Russia recognizes Transnistria's independence, no politician in Chişinău will ever speak favorably of Moscow.

Russia has been successful so far in maintaining the status-quo. The agreement of 1992 allowed the consolidation of the Transnistrian leadership, and the one in 1994 tried to link the settlement of the conflict with resolving the status of Transnistria. Every time she proposed a solution, Russia intended to legalize a potential right of secession of Transnistria from Moldova or at least to ensure a veto right for Tiraspol on the most important decisions of Moldova, which would have brought entire Moldova under its unconditional control. Short of such a decision, Russia undermined any other Moldovan efforts to solve the problem.

However, the Moldovan-Ukrainian border agreement as of March 3, 2006, forced Russia to take radical steps. Moscow denounced the agreement as a real economic blockade against the people of Transnistria, while Tiraspol stepped out of the negotiations for the time being. However significant this act might have proved for the internal public opinion, Russia and Tiraspol are losing face in the international arena, appearing as actors that overtly support illegal traffic across the Moldovan-Transnistrian border, undermining the negotiations.

After 2004, Russia has had one more concern to address. With the change in Ukraine's foreign policy came Kiev's bid for NATO membership, an idea that Russia categorically opposes. As the Ukraine factor became more difficult to handle, Russia appeared to attempt prolonging the status-quo in Transnistria. First, Moscow expected a change in Moldovan politics after the March 2005 elections. When this did not occur, Russia played the card of economic retaliation against Moldova, hoping for a change in Ukraine at the March 2006 elections. Thus, Russia paid less attention to the 2+3 negotiations on Transnistria, hoping for a positive (for her) political change in either Moldova or Ukraine. This discredited the negotiating mechanism, which has been unable to reach any significant progress, despite its monthly meetings.

³¹ ZIUA, July 22, 2006 (www.ziua.ro).

Ukraine's Approach towards the Transnistrian Conflict

In June 2006, Ukrainian foreign minister Boris Tarasyuk expressed his support for Romania's participation in the existing negotiating format.³² Openly opposed by Russia and also previously rejected by the Ukraine, this idea has surprised many. Nevertheless, the Ukrainian foreign minister might have reached the conclusion that he should not oppose Russia alone.

During President Kuchma's regime, Ukraine was a quiet ally of Russia as far as Transnistria was concerned. Odessa was arguably the key transit point of the traffic of goods to and from Tiraspol. Ukraine's attitude changed after December 2004, as it moved closer to the West. Kiev presented its own plan for the settlement of the conflict in April 2005 (*The Yushchenko Plan*),³³ while advocating for the inclusion of the US and EU in the negotiation mechanism (an earlier proposal of Moldova). Ukraine went further to conclude the border agreement with Moldova, strongly condemned by both Moscow and Tiraspol. Thus, the government in Kiev came under the severe criticism of Russia, not a comfortable position within the context of the gas dispute.

In the last year, Ukraine maintained its position with respect to Transnistria, further upsetting Tiraspol and Moscow. While in Chişinău in June 2006, Ukrainian foreign minister stated that restoring Moldova's territorial integrity and sovereignty is one of his country's main foreign policy tasks.³⁴ Tarasyuk went on to accuse Moscow and Tiraspol for blocking the negotiation mechanism, using the "false excuse" of an "economic blockade" against Transnistria. In return, some pickets in Transnistria named Tarasyuk a US-agent and "inspirer of Ukraine's anti-Transnistrian actions."³⁵

At the OSCE Istanbul Summit (1999), Russia committed to withdraw its troops and ammunition from Moldova by 2002. Ukraine's role was expected to increase with respect to the long-term settlement of the conflict. Thus, by 1999, the Transnistrian leadership was openly criticizing Russia's decreasing involvement in Transnistria, meanwhile advocating for Kiev's broader participation in the settlement of the conflict.³⁶ Ukraine was seen at the time the natural successor of Russia in what concerned the security guarantees for Transnistria, as Moscow appeared to give up, in the long run, its former empire.

However, Russia's foreign policy changed after Vladimir Putin came in power in early 2000. As Russia reaffirmed its readiness to continue assisting (and protecting) the elites of the break-away regions of Moldova and Georgia, Ukraine's profile did not increase as expected. Furthermore, as the current Ukrainian leadership stated its goal of adhering to NATO, the Russian troops in Transnistria could be, in the near future, an effective lever for Russia in its relationship with Ukraine. The recent events in Crimea that led to the cancellation of a joint Ukraine-US military exercise raised concerns in Kiev. A strong (or even independent) Transnistria that would allow the continuous presence of Russian troops in the region could only increase those security concerns. A recent declaration of Russia's minister Sergey Ivanov shows that Russia looks for various arguments for maintaining its troops in Transnistria. Ivanov has stated that double standards in the assessment of the military presence of Russia and the US abroad: while 2,500

³² ZIUA, June 28, 2006.

³³ *Chişinău, Tiraspol Welcome Ukrainian Plan, but Settlement Remains Far Off*, RFE/RL, May 18, 2005.

³⁴ *Moldpres*, June 27, 2006.

³⁵ *Interfax*, June 26, 2006.

³⁶ *Moscow's Tiraspol Problems*, Defense & Security, February 3, 1999.

American were to be deployed in Bulgaria as a result of a US-Bulgarian agreement, Russia was unjustly criticized for its 1,500 peacekeepers in Transnistria.³⁷

Thus, there is no surprise that the Ukraine wants an effective settlement of the Transnistrian issue, including the withdrawal of Russian troops.³⁸ Facing Moscow's criticism for the border agreement concluded with Chişinău, Ukraine wants to share the responsibility of opposing Moscow in the future with other countries from the region. Romania's participation in the negotiating format would be, in this view, beneficial for Ukraine.

OSCE, the EU and US

In 1993, an OSCE mission was established in Chişinău. As with other similar missions, it was supposed to deliver updated reports about the evolution of the security environment. Because the OSCE was directly associated into the negotiating mechanism in 1997, the mission in Chişinău was assigned the responsibility to represent the organization for that purpose. The mission came under the constant criticism of the Moldovan civil society in recent years, as it usually supported Moscow's initiatives that were perceived in Chişinău as contrary to Moldova's interests. One idea on the table since 2005 has been Moldova's proposal to internationalize the peacekeeping force in Transnistria. Nevertheless, while some would favor an OSCE mandate for such a mission, Chişinău is carefully referring to an "international mandate," hoping to obtain the involvement of the EU and to avoid offering the discredited OSCE a major role in the future.³⁹

The EU has been a reluctant actor in the frozen conflicts. The Union seems to be unwilling to directly confront Russia on issues related to the former Soviet space, although this is becoming the organization's immediate neighborhood. One obvious explanation is Europe's dependence on Russia's energy resources. Another is the difficulty to articulate a coherent, far-reaching European foreign policy. Nevertheless, the EU took some steps that addressed the matter. Broadly, the Union elaborated in May 2004, the European Neighborhood Policy, a plan designed to enhance cooperation with countries in the neighborhood, based on bilaterally agreed action plans. For Moldova, a progress report is due in 2008, 3 years after the approval of the action plan. More specifically, the EU decided to politically back and materially support the initiative of monitoring the Moldovan-Ukrainian border in order to cut off the illicit traffic that sustains the regime in Tiraspol, meanwhile issuing a visa-ban for 17 Tiraspol leaders. At the end of 2005, the EU became observer to the negotiating format on Transnistria.

The EU was, however, less vocal than the US, the other observer of the negotiations as of 2005. The US continues to maintain its unequivocal stance with regard to the CFE Adapted Treaty: no NATO country should ratify it as long as Russia does not fulfill its Istanbul commitments regarding the withdrawal of its troops from Moldova and Georgia. As a result, the CFE Treaty Review Conference failed to reach an agreement over a final document, as Russia on one hand and NATO members on the other held opposite positions.⁴⁰ The presence of the West (and especially of the US) in the negotiating mechanism helped Moldova escape the constant pressure

³⁷ Itar Tass Weekly News, May 31, 2006.

³⁸ Vladimir Socor, *Orange Two Government can Meet the Transnistria Challenge*, Eurasia Daily Monitor, June 29, 2006.

³⁹ Ibid.

⁴⁰ *No Final Document Adopted at the CFE Treaty Review Conference*, Itar-Tass Weekly News, June 3, 2006.

of Russia. At present, the US is Moldova's guarantee that it will not be left alone in the future talks on Transnistria. In his official statement at the Ljubljana Ministerial Conference of the OSCE, Under Secretary of State Nicholas Burns made clear that, in line with the CFE Treaty principles, Moldova and Georgia have the right to "decide whether to allow stationing of foreign forces on their territory" and that the two countries "have made their choice," therefore Russian troops should leave their territories.⁴¹

The idea of transforming the peacekeeping operation in Moldova into an international one, discussed in May this year in Brussels, has so far been the only substantial proposal in the last months. The parties present at the debate were the mediators (Russia, Ukraine and the OSCE) and the observers (US and EU).⁴² It appears that the proposal would give the EU a major role, while maintaining an important Russian presence. If implemented, this solution would legalize the presence of the Russian troops, which otherwise would be completely outlawed in the near future in case Moldova decided to denounce the 1992 agreement. On the other hand, Russia's influence would be limited for good, as the EU would never become Moscow's prisoner in a future negotiating format. Another effect will be the eventual termination of the present negotiating format itself (and its replacement with a substantially different one), as an EU peacekeeping mission would never act under a mandate established by the current negotiating mechanism.⁴³

Conclusion

The enlargement of the negotiating mechanism on Transnistria in September 2005 raised hopes for a final settlement of the conflict. After months of interruption, the resumption of the negotiations that meanwhile decided the invitation issued to the US and EU to join as observers was seen as the beginning of a fruitful phase of discussions. President Voronin welcomed the presence of the EU and US representatives as observers at the negotiations, hoping that this would help the parties reach an agreed solution.⁴⁴ In fact, the moment marked the substantial change of the political environment with regard to Transnistria. Far from bringing a solution closer, the enlargement of the negotiations format brought the old framework of dealing with Transnistria closer to its end.

Moldova gained one important ally at the negotiations table, that is, the US. America has been the constant supporter of the withdrawal of the Russian troops from Moldova and Georgia during the last 7 years. The US and its NATO allies have so far successfully used the lever provided by the ratification of the CFE Adapted Treaty against Moscow: the last CFE Treaty review conference did not reach a final conclusion, as Russia insisted Europeans and Americans should ratify the treaty, while the latter made clear that this will happen only after Russia fulfills its Istanbul commitments. Meanwhile, given the US support, Moldova is no longer cornered during the negotiations, as it usually happened during 2004.

⁴¹ *Remarks to the Thirteenth Ministerial Council of the Organization for Security and Cooperation in Europe*, Nicholas Burns, Under Secretary for Political Affairs (www.state.gov).

⁴² Vladimir Socor, *Proposal on the Table to Transform Russian "Peacekeeping" in Moldova*, Eurasia Daily Monitor, May 30, 2006.

⁴³ The EU will never risk the termination of its mission following, for an example, a decision of Tiraspol or Moscow. It will therefore seek first an unambiguous mandate.

⁴⁴ Itar-Tass Weekly News, October 4, 2005.

More important, Moldova started taking important steps outside the negotiating mechanism. A general reorientation of the foreign policy towards the EU took place in early 2005, after the general elections. In June and July, important legislation was passed by the parliament, including a document comprising the general principles regarding the autonomous status of Transnistria within the Republic of Moldova. In November, Chişinău concluded a border agreement with Kiev, which came into force four months later. The agreement, aimed at eliminating illicit traffic over the Transnistrian sector of the Moldovan-Ukrainian border, was supported by the EU, but strongly condemned by Russia and Tiraspol. The latter stepped out of negotiations after the agreement became effective in March 2006. Within this context, Tiraspol and Russia lost face, while Moldova did not seem willing to reconsider the measure for the sake of the negotiations.

After the failure of the Kozak Memorandum, Russia did her best to discredit Moldova, in hope that she could buy more time for stationing her troops in Transnistria. Although she faced pressure from the West in OSCE meetings, Russia claimed that Chişinău could not be trusted as a partner, after the last minute change of mind in November 2003. By late 2004, Russia had other things to worry about: the changes in Ukraine brought into power a team that spoke about joining NATO, which was unthinkable for Moscow. The Transnistrian matter became secondary, though Russia continued to provide political support to Tiraspol. Moscow was overtaken by events, while waiting for a positive change of the political environment: it hoped Voronin would lose elections in March 2005. As this did not happen, it conceded to the enlargement of the negotiating mechanism, while expecting a political turnover at the Ukrainian general elections. A friendly Ukrainian government would have postponed talks about NATO in Kiev, and would have offered further prospects to solve Transnistria in a favorable way. The actions of the Moldovan government put Russia under pressure, determining nervous responses like the denunciation of an “economic blockade” against Transnistria.

Russia's attitude has undermined the current negotiating mechanism, as it allowed Transnistria to step out, in response to the Moldovan-Ukrainian agreement. Nevertheless, Russia has to find an answer to the situation, as it risks a Moldovan decision that might make illegal its military presence in this country. Recent speculations about an international peacekeeping mission to include EU could be a potential response to this situation. Ironically, while this solution might give a new mandate to the Russian presence in Moldova, it will end the present Russia-styled negotiating format. A mission involving the EU will probably require a UN-mandate, which will include the demilitarization of Transnistria.

The Ukraine realizes it needs a solution in Transnistria along with Moldova's interests: re-integration of the country and withdrawal of the Russian troops. A continuation of the status-quo or recognition of Transnistria will increase Kiev's difficulties with respect to dealing with Russia, as accommodating Moscow is often at odds with Western interests in Transnistria. Therefore, an international mission and the involvement of Romania could decrease Ukraine's profile in relation with the Transnistrian conflict, a profile that rose once the border agreement with Moldova came into force. Thus, the Ukraine will support a radical change of the present negotiating format on Transnistria.

Finally, the other international players do not appear willing to make substantial concessions to Tiraspol or Russia. The OSCE rejects the idea of referendum in Transnistria; the EU continues to demonstrate its support for Moldova's territorial integrity through the Border Assistance Mission, while the US remains firm with respect to Russia's Istanbul commitments. Within this context, there is little prospect for the success of the present negotiating mechanism.

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